

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Criminal No. 12-20553

Plaintiff,

v.

HONORABLE GEORGE C. STEEH

MARLON ALLEN,

Defendant.

/

PRELIMINARY ORDER OF FORFEITURE

On August 20, 2012, an Information was filed charging defendant Marlon Allen (“Defendant”) with one count of being a felon in possession of four firearms, in violation of 18 U.S.C. § 922(g)(1):

- a. One (1) Ply Technologies MAK -90 Rifle, Cal 7.62x39, S/N CW-17631,
- b. One (1) Glock Model 22 Pistol, Cal 40, S/N KYZ610,
- c. One (1) Bryco Model Jennings Nine Pistol, Cal 9, S/N 1362495, and
- d. One (1) Glock Model 22 Pistol, Cal 40, S/N HWW501

collectively hereinafter referred to as the “Four Firearms.” The Information sought forfeiture of the Four Firearms, pursuant to 18 U.S.C. § 924(d) together with 28 U.S.C. § 2461(c).

On or about October 29, 2012, Defendant entered into a Rule 11 Plea Agreement in which he agreed to plead guilty to the Information and agree to forfeit his interest in the Four Firearms to the United States as property involved in Defendant’s violation of 18 U.S.C. § 922(g)(1).

On or about October 29, 2012, Defendant pleaded guilty to being a felon in possession of the Four Firearms pursuant to 18 U.S.C. § 922(g)(1) as charged in the Information. Pursuant to

18 U.S.C. § 924(d) together with Title 28, United States Code, Section 2461(c), the Four Firearms are therefore subject to forfeiture to the United States.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT the Four Firearms shall be forfeited by Defendant to the United States.

Upon entry of this Preliminary Order of Forfeiture, the United States Attorney General or his designee is authorized to commence any applicable proceeding to comply with the statutes governing third party rights, including giving notice of this Order.

The United States shall publish on www.forfeiture.gov, notice of this preliminary forfeiture order and of its intent to dispose of the Four Firearms in such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n). Said notice shall direct that any person other than the Defendant asserting a legal interest in the Four Firearms may file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. The United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in the Four Firearms.

The petition must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the petitioner's alleged right, title or interest in the Four Firearms, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Four Firearms, any additional facts supporting the petitioner's claim, and the relief sought.

After the disposition of any motion filed under Fed.R.Crim.P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the four Firearms.

Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to Defendant at the time of his sentencing. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed.R.Crim.P. 32.2(c)(2).

The United States shall have clear title to the Four Firearms following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions. The Court retains jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed.R.Crim.P. 32.2(e).

IT IS SO ORDERED.

Date:

2-11-13



HONORABLE GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE